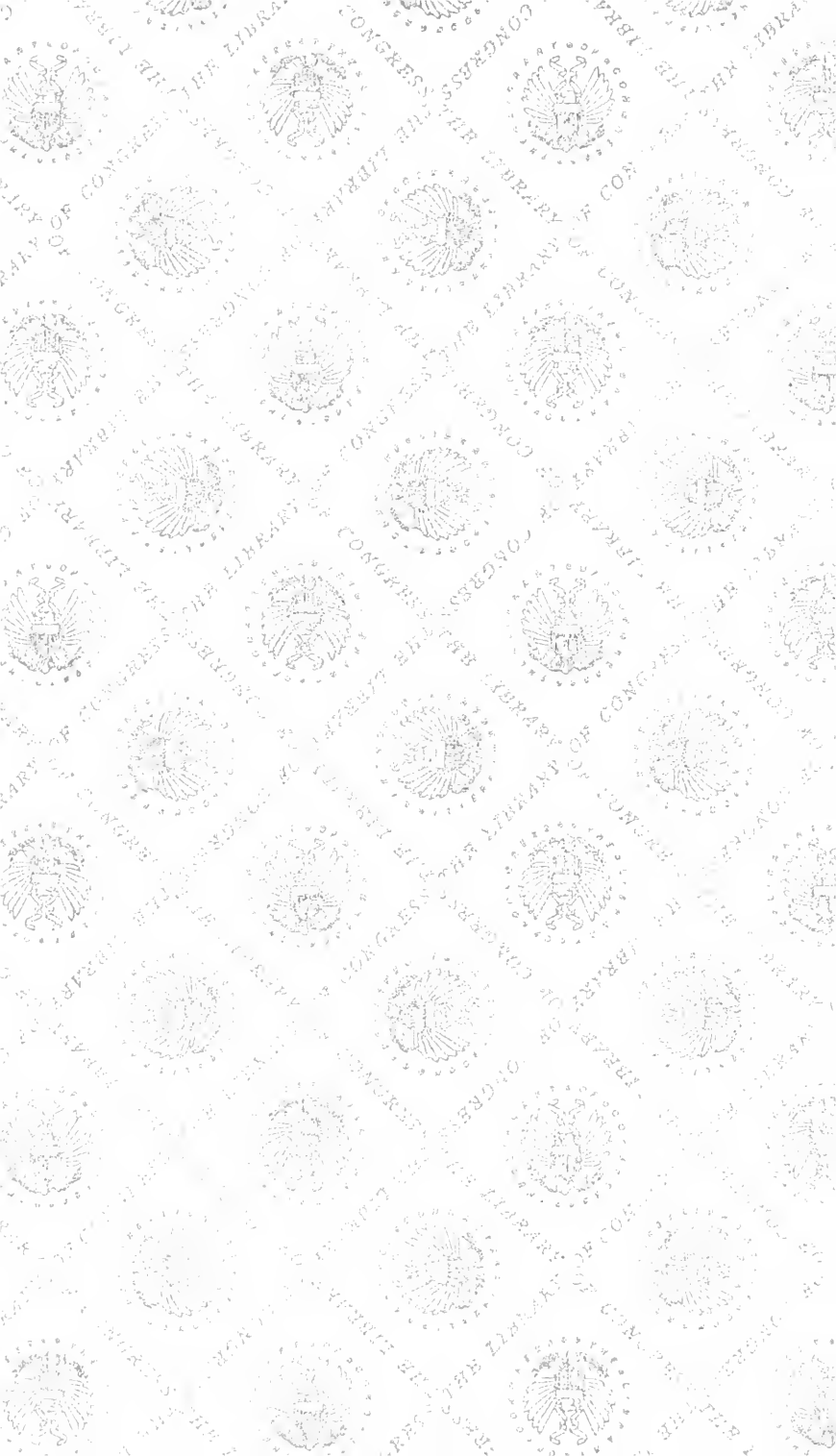


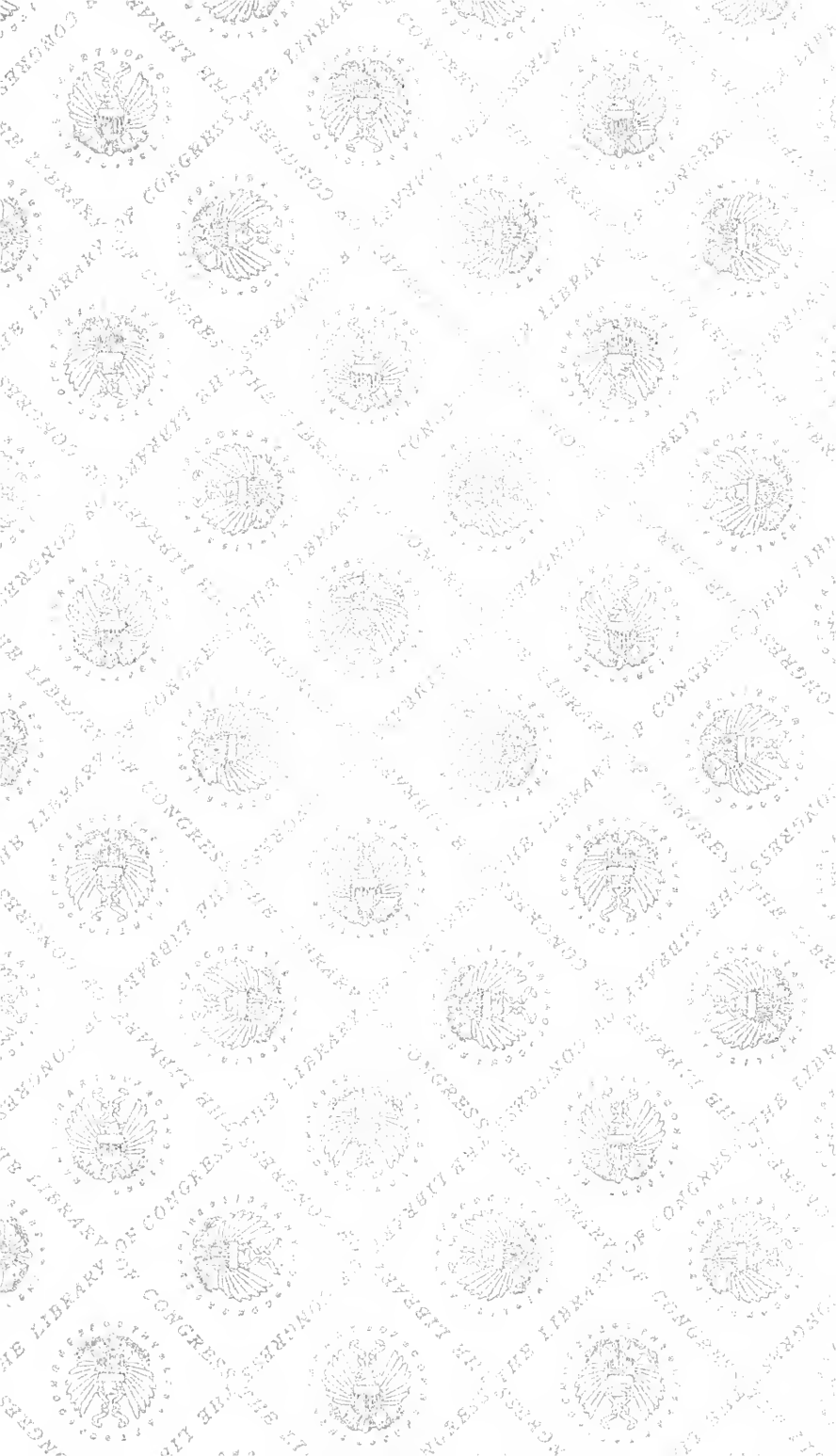
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# SPEECH OF HON. A. HARDING,

OF KENTUCKY,

In the House of Representatives, December 17, 1861,

On the joint resolution relative to the right and duty of the President in regard to persons held as slaves in any military district in a state of insurrection.

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Mr. HARDING said:

Mr. SPEAKER: If there ever was a time in the history of any nation, or any people, when every feeling of passion or party prejudice should be banished from all minds—when the hearts and hands of all Union men should be united, in the great and common purpose of saving an imperiled country; we have reached that period and that time. And it seems strange to me that such should not be the fact among the Representatives of the people in this House. It is “passing strange” that, at such a period, any mere matter of sectional or party strife should be allowed to obtrude upon our consideration, when all that we, as patriots, hold dear, is evidently imperiled and threatened with utter overthrow.

Suppose a large and splendid mansion, erected by the toil and labor of many years, at the cost of a large expenditure of money and treasure; suppose it to have been fitted up in the most costly and magnificent style by a kind father, with separate suits of apartments for the different families of his children, each exactly suited to the wants and convenience of its occupants; suppose these families to have taken possession of their respective apartments, each governing its own affairs, and having the entire control and arrangement of its section of the mansion, in respect to its furniture and every domestic affair; suppose that while thus living in harmony and prosperity, suddenly the alarm of fire is raised—the mansion is beginning to burn. From their several apartments the families all rush into the common hall. Strange to say, at this point an angry controversy springs up. The fire is already blazing through the roof of the common structure, and if it is extinguished, the united efforts of all must be exerted. “But,” says the head of one of the families, “I will not aid in extinguishing the fire unless you alter one of your domestic arrangements.” Another refuses to aid unless another changes his domestic concerns; and so an angry controversy arises and prevails, until the magnificent edifice is wrapt in flames, and every apartment sinks in common ruin.

Mr. Speaker, is not that a faint picture of what we are doing here at this day and this hour? The great problem of man's capacity for free, popular self-government, is being solved before the nations of the earth, it may be for the last time; and the true friends of liberty, the friends of popular free government, from every dark land of despotism, are now looking with anxious and

tearful eyes to the solution of this mighty problem. Shall we, at a time like this, suffer ourselves to be drawn off by mere matters of local or sectional strife—shall any angry feeling, shall any matter of party interest be allowed to obtrude itself at this dark hour?

Sir, we might do well, it seems to me, in this dark hour, to remember that the liberty which we now enjoy is the price of the blood of our ancestors. We should look back to that dark and bloody period, that seven years' struggle through the wilderness of the Revolution. It seems to me a solemn voice comes up at this day from every battle-field of the Revolution, saying to us "beware, think, reflect, pause, before you take another step! Your liberty is the price of our blood." The claims of the present generation appeal to us in plaintive tones; the destiny of generations yet unborn appeals to us; all the high and solemn considerations of the past, of the present, and of the long-distant future, come up and impress the conviction that a high and solemn responsibility rests upon us. Nay, sir, a responsibility so fearfully solemn that, the most patriotic and the wisest in the land might well pause, tremble, and exclaim, "who is sufficient for these things?"

It is not my purpose, on this occasion, to utter a solitary word that should excite unkind feelings in the mind of any man present upon this much-agitated subject of slavery. I entertain no feeling but that of entire respect for any sentiment honestly and sincerely entertained upon that question by other gentlemen, however much I may differ with them; nay, sir, gloomy forebodings of the future rise up and so overwhelm me as to leave no room for the indulgence of angry party controversy.

Entertaining these feelings and these views, it was with the deepest pain that I saw, on the very first day of the session—even in the morning hour of that session—this much-to-be-dreaded controversy sprung upon us. Not more than two hours had elapsed before the proposition now under consideration was introduced, and the effort made to press it through the House under the previous question, without the opportunity of a moment's consideration. I say I was pained and grieved to witness this hasty and ill-timed movement. I confess I was more alarmed at the indications I then saw upon this floor, than I had been since this revolutionary storm burst forth. I thought a disposition was manifested to run heedlessly and rashly on, without pausing to consider the consequences of the action it was proposed to take; but when I saw gentlemen were disposed to postpone their action until opportunity should be given to consider, reflect, and reason, my hopes revived, and every indication since that day induces me to think it is the intention of the House to allow a calm and full examination of the questions now under consideration, before coming to any final conclusion.

What I desire on this occasion, then, is, that before taking any step we shall calmly consider the great questions presented in the

resolutions before us, questions involving the destinies, not only of the present, but of generations yet to come. In coming to that consideration I would, as far as possible divest myself of all prejudices arising from any previous theory. I prefer that every argument shall be carefully weighed, and then that the House shall cautiously and calmly act.

I oppose these resolutions, then, *first*, because we have no constitutional power to pass them, nor any of the bills or resolutions which have been introduced on this subject.

I object to them, *secondly*, because the faith of Congress, of the President, and of this Administration has been more than once pledged, in the most solemn and public manner against all interference with the institutions of slavery; and to sanction the policy now proposed would be a plain and palpable violation of the plighted faith of this Congress, of the President, and the Administration.

In the *third place*, I oppose these resolutions because the legislation proposed is forbidden by every principle of sound policy.

In the *fourth place*, I oppose them because these and other kindred propositions introduced upon this subject, propose to inaugurate a warfare which would involve in its horrors the loyal as well as the disloyal, the innocent as well as the guilty, having no respect to age, sex, or condition; a species of warfare disgraceful to any civilized or Christian nation.

In support of my first two propositions, I beg leave to call the attention of the House to some documentary evidence, very recent in its date. I do not propose to go back and ransack the records of the past. I will come within the period of our present troubles; nay, sir, in the evidence I propose to introduce, I will not go behind the period of ten months. First, I call the attention of the House to a resolution passed with remarkable unanimity by Congress on the 11th day of February last, introduced, I believe, by Mr. SHERMAN, of Ohio, as a substitute for certain resolutions which had been introduced by Mr. Palmer, of New York. I ask the Clerk to read the proceedings on that occasion, including the names of the members who voted for the resolution.

The Clerk read, as follows:

"Mr. SHERMAN, by unanimous consent, submitted the following amendment in the nature of a substitute for both of the resolutions submitted by Mr. PALMER, viz: Strike out all after the word 'Resolved,' and insert:

" 'That neither the Congress of the United States nor the people or governments of the non-slaveholding States have the constitutional right to legislate upon, or interfere with, slavery in any of the slaveholding States in the Union.'

"And the question being put, 'Will the House agree thereto?'

"It was decided in the affirmative.

"The question then recurring on the said resolutions as amended,

"Mr. SHERMAN moved the previous question; which was seconded, and the main question ordered and put, viz: 'Will the House agree to the said resolutions as amended?'

"And it was decided in the affirmative—yeas 161, nays 0.

"The yeas and nays being desired by one fifth of the members present,

"Those who voted in the affirmative are—

" Mr. Charles F. Adams,  
 Green Adams,  
 Cyrus Aldrich,\*  
 William Allen,\*  
 Thomas L. Anderson,  
 William C. Anderson,  
 William T. Avery,  
 Elijah Babbitt,\*  
 Thomas J. Barr,  
 J. R. Barrett,  
 John A. Bingham,\*  
 Samuel S. Blair,\*  
 Harrison G. Blake,  
 Thomas S. Boccock,  
 Alexander R. Boteler,  
 Reese B. Brabson,  
 William D. Brayton,  
 George Briggs,  
 Francis M. Bristow,  
 John Y. Brown,  
 James Buffinton,\*  
 John C. Burch,  
 Anson Burlingame,  
 Henry C. Burnett,  
 Martin Butterfield,  
 James H. Campbell,\*  
 John Carey,  
 Luther C. Carter,  
 Charles Case,  
 Horace F. Clark,  
 John B. Clark,  
 Stephen Coburn,  
 John Cochrane,  
 Schuyler Colfax,\*  
 Roscoe Conkling,\*  
 Thomas Corwin,  
 John Covode,\*  
 Samuel S. Cox,\*  
 James Craig,  
 Samuel R. Curtis,  
 Henry L. Dawes,\*  
 Charles Delano,\*  
 William H. Dimmick,  
 R. Holland Duell,\*  
 W. McKee Dunn,\*  
 Henry A. Edmundson,\*  
 Thomas M. Edwards,  
 Thomas D. Eliot,\*  
 Alfred Ely,\*  
 William H. English,  
 Emerson Etheridge,  
 John F. Farnsworth,  
 Orris S. Ferry,  
 Thomas B. Florence,  
 Stephen C. Foster,  
 Augustus Frank,\*  
 Ezra B. French,  
 Muscoe R. H. Garnett,  
 John A. Gilmer,  
 Daniel W. Gooch,\*

" Mr. James H. Graham,  
 Galusha A. Grow,\*  
 John A. Gurley,\*  
 Chapin Hall,  
 Andrew J. Hamilton,  
 J. Morrison Harris,  
 John T. Harris,  
 John B. Haskin,  
 Robert Hatton,  
 William Helmick,  
 Charles B. Hoard,  
 William S. Holman,\*  
 William Howard,  
 William A. Howard,  
 George W. Hughes,  
 James Humphrey,  
 John Hutchins,\*  
 William Irvine,  
 Albert G. Jenkins,  
 Benjamin F. Junkin,  
 Francis W. Kellogg,\*  
 William S. Kenyon,  
 John W. Killinger,\*  
 Charles H. Larrabee,  
 Shelton F. Leake,  
 M. Lindley Lee,  
 Owen Lovejoy,\*  
 William B. Maclay,  
 Robert Mallory,\*  
 Gilman Marston,\*  
 Elbert S. Martin,  
 Horace Maynard,\*  
 John A. McClernand,  
 James B. McKean,\*  
 Jacob K. McKenty,  
 Robert McKnight,\*  
 Edward McPherson,\*  
 John S. Millson,  
 William Millward,  
 William Montgomery,  
 Laban T. Moore,  
 James K. Moorhead,\*  
 Justin S. Morrill,\*  
 Edward Joy Morris,  
 Isaac N. Morris,  
 Freeman H. Morse,  
 Thomas A. R. Nelson,  
 William E. Niblack,  
 John T. Nixon,\*  
 John W. Noell,\*  
 George W. Palmer,  
 John J. Perry,  
 John U. Pettit,  
 Samuel O. Peyton,  
 John S. Phelps,\*  
 Albert G. Porter,\*  
 John F. Potter,\*  
 Emory B. Pottle,  
 Roger A. Pryor,  
 James M. Quarles,

\* Members of the present Congress.



" Mr. John H. Reynolds,  
 Alexander H. Rice,  
 Jetur R. Riggs,  
 Christopher Robinson,  
 Homer E. Royce,  
 George W. Seranton,  
 Charles B. Sedgwick,\*  
 John Sherman,  
 Daniel E. Sickles,  
 William N. H. Smith,  
 Elbridge G. Spaulding,\*  
 Francis E. Spinner,  
 Benjamin Stanton,  
 John W. Stevenson,  
 William Stewart,  
 William B. Stokes,  
 Lansing Stout  
 John L. N. Stratton,\*  
 Mason W. Tappan,  
 Eli Thayer,  
 Thomas C. Theaker,

" Mr. James H. Thomas,  
 Cydnor B. Tompkins,  
 Charles R. Train,\*  
 Carey A. Trimble,\*  
 C. L. Vallandigham,\*  
 Zebulon B. Vance,  
 William Vandever,\*  
 Charles H. Van Wyck,\*  
 John P. Verree,\*  
 Edward Wade,  
 Henry Waldron,  
 E. P. Walton,\*  
 C. C. Washburn,  
 Elihu B. Washburne,\*  
 Edwin H. Webster,\*  
 Alfred Wells,  
 William G. Whiteley,  
 James Wilson,  
 William Wind<sup>m</sup>\*,  
 Warren Winslow,  
 Samuel H. Woodson.

"So the said resolutions, as amended, were unanimously agreed to."

Mr. HARDING. Mr. Speaker, it will be seen that that resolution takes the ground that Congress has no power to legislate upon, or to interfere with, the subject of slavery. Mark that!—no power to legislate upon, or to interfere with, the subject of slavery in a State. That passed by a unanimous vote, on the 11th day of February last. It said to the whole Union, and to the world, by the voice of every man then present, that Congress had no power to legislate upon, or to interfere with, the institution of slavery in a State.

I want gentlemen to observe the dates. I come now to the 22d of July, 1861. On that day a resolution was introduced by my venerable colleague, [Mr. CRITTENDEN,] which was in these words :

*"Resolved by the House of Representatives of the Congress of the United States:* That the present deplorable civil war has been forced upon the country by the disunionists of the Southern States, now in revolt against the constitutional Government, and in arms around the capital. That in this national emergency, Congress, banishing all feelings of mere passion or resentment, will recollect *only* its duty to the whole country. That this war is not waged on their part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the *supremacy* of the Constitution, and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired; and that as soon as these objects are accomplished the war ought to cease."

It is impossible for any ingenuity to torture this resolution so as to make it speak but one language. It tells us first what the war is *not* for; and secondly what *it* is for. The war is not for the purpose of overthrowing or interfering with slavery; and affirmatively the war is for the purpose of maintaining and preserving the Union and all of the rights of the several States unimpaired—slavery included. We are told that this is not to be a war upon slavery at all, but for the purpose of preserving the Union and the Constitution; that it is for the purpose of preserv-

\* Members of the present Congress.

ing the Government and every right recognised and sanctioned by the Constitution. What was the vote on this resolution of the 22d of July? If my recollection serves me, every man in this House voted for it save two—one from Missouri, [Mr. Reid,] and the other from Kentucky, [Mr. Burnett,] they voted against it, and for that, and many other sins committed by them, these two gentlemen have both been expelled from this body, and very properly, I think. So much, then, for what Congress has said. So much for the pledges given over and over again that slavery should not be interfered with—and that Congress had no constitutional power to legislate on the subject.

Mr. Speaker, I next call the attention of the House to some extracts from a speech of Hon. Caleb B. Smith, Secretary of the Interior, delivered August 16, 1861, at Providence, Rhode Island. It was a most patriotic speech. He said :

"The theory of this Government is, that the States are sovereign within their proper sphere. The Government of the United States has *no more* right to interfere with the institution of slavery in South Carolina than it has to interfere with the peculiar institutions of Rhode Island. But, my friends, during the last summer, when the great political contest was raging throughout the land, *then it was* that designing and *dishonest* men, for the purpose of accomplishing their own selfish schemes, appealed to the prejudices of the Southern people, denouncing those who supported Mr. Lincoln as *abolitionists*, as men who would *disregard* the *constitutional rights* of the South, and *transcend* the powers of the Government. Excited by means of these *iniquitous* appeals, they were ready to take up arms to prevent the inauguration of *that President* whom a majority of the people had declared to be the man of their choice. My friends, I have known the President long and well. It has been my fortune to be selected as one of his constitutional advisers. I have had the honor of being connected with this Administration since its commencement; and I tell you to-night that you cannot find in South Carolina a man more anxious, religiously and scrupulously, to observe all the features of the Constitution relating to slavery than Abraham Lincoln. My friends, we make no war upon Southern institutions. We recognise the right of South Carolina and Georgia to hold slaves if they desire them."

That speech, I repeat, was delivered on the 16th day of August, 1861; and immediately preceding it, on the 8th day of August, an order was issued by the Secretary of War, General Cameron, to General Butler, as follows :

"It is the desire of the President that all existing rights in all the States be fully respected and maintained. The war now prosecuted on the part of the Federal Government is a war for the Union, and for the preservation of all constitutional rights of States, and the citizens of the States in the Union."

That order was issued to Major General Butler by the Secretary of War, with the sanction of the President. I ask you, then, whether the President is not himself pledged to this policy? He permitted himself to be pledged by Secretary Smith, and he was pledged by sanctioning the order of the Secretary of War which I have read. In his inaugural address, and in his message to Congress at its extra session, every man will recollect he took conservative ground. The ground taken was, that war was to be resorted to, only for the purpose of maintaining the Union and preserving the rights of the respective States. He tells us in his message to the present Congress—after his inaugural address,

after his conservative message at the last session, after the patriotic speech of Secretary Smith in which he said the President would respect the rights of slavery and protect it under the Government and the Constitution as much as any man in South Carolina—after all this, he declares in his late message at the present session of Congress, that nothing has occurred “*to add to or subtract from* the policy heretofore recommended.” I ask, then, sir, whether the President does not stand pledged before the country and the world to this conservative policy? It is plain that Congress and that this Administration all stand pledged in the most solemn manner to the people of this country to follow this line of policy, and not depart from it.

It follows, then, that Congress and the President being pledged to this conservative policy, he cannot now, nor can Congress, swerve from it without a palpable and plain violation of the plighted faith of both. To sanction the policy proposed by these resolutions would be to turn the war away from its legitimate purpose, and indeed to turn the bayonets of our soldiers against the institution of slavery. It would not only be a departure from the policy heretofore indicated, but would in fact be a betrayal of the loyal States who have been induced with such great unanimity to vote men and money to carry on this war for the defence of the Government. Why, sir, common honesty would demand, if I induce a man to engage in any enterprise on stipulated conditions, that I should stand by him and adhere to my agreement. Let me put the case to the gentleman from Massachusetts, [Mr. ELIOT,] who introduced these resolutions. I take the ground that, this war should have nothing to do with the institution of slavery any more than with any other State institution. Let slavery alone, it will take care of itself. Let me argue with the gentleman from Massachusetts, who moved these resolutions. The President and the Secretaries and Congress, by their action, have induced us with great unanimity to raise a very large army. Some six hundred thousand men have been brought into the field. Large amounts of money have been voted and expended. Direct taxes have been imposed even upon the necessities of life. All this has been done to sustain, defend, and preserve the Constitution and Government of our fathers.

But after our troops are in the field, and have their armor on, suppose I come up from Kentucky and propose to divert the war from its legitimate objects, by urging that the regiments from Massachusetts should be employed part of their time in capturing and returning runaway slaves? Would not the Representatives from that State rise up and denounce such a proposition with the deepest indignation? What, then, is it you propose? If it would be bad faith and a fraud upon your troops to employ them in capturing and returning fugitive slaves, I ask whether it would not be far more fraudulent, and in bad faith to the loyal men of Kentucky who have girded on their swords and gone out to fight for the Union, to tell them that from this time forth they shall

be engaged in making war upon the institution of slavery—a war for the destruction of their own property, and leading on to all the bloody horrors of servile insurrection?

Sir, let me illustrate a little further, to show how destructive this policy is, and how strange it is that a man should be so far misguided as to permit himself to be influenced by it; and let no man press rashly on because he thinks himself right. We all know that a man's honest convictions of right, the burning zeal which he feels within him when he is engaged in this abolition war, or war of emancipation, is no evidence whatever that he is right. I remember that Paul himself was never more zealous than when he was breathing out threatenings and death; when he was persecuting, wasting, and destroying, the churches of God; and he was doing all that in the name of religion, and "verily thought he was doing God's service." But when the scales fell from his eyes he saw things in their true light, and he was a different man. I would that the scales might fall from the eyes of every one. What has this question of slavery to do with this war? We have no more right to interfere with slavery in a Southern State, than with the common school system, or any other local institution of a Northern State. Suppose I should arise here and propose a bill to abolish, or radically change the common-school system of Massachusetts, and should urge that dangerous political heresies were taught in those schools, such as the higher-law doctrine and various other wild and extravagant notions, tending to disqualify men for self-government and to array them against the Constitution of our country; and that therefore these schools are at war with the spirit of our free institutions and must be put down. Might not the gentleman from Massachusetts with great propriety interrogate me thus: "Sir, have you any property or interest in Massachusetts?" "None whatever." "Were you ever there?" "Never." "Do you desire to go there?" "Not at all; I am satisfied to live in Kentucky." "Do you ever expect to be in Massachusetts?" "No." "Why then concern yourself about our local institutions?" "Ah, but you forget, I am engaged in '*a philanthropic line of business*;' that is all." [Laughter.] "Well, sir, perhaps you had better turn your attention to Kentucky. I have known men to show much good sense, and acquire fine fortunes, by simply attending to their own business; but no man ever manifested the one, or secured the other, by intermeddling with and giving his time to matters which no way concerned him. All that ever was accomplished in that way has been to annoy others and benefit nobody." How would I respond to that argument of my friend? I think I should "give it up," and immediately move to lay the bill upon the table.

Now, that is exactly a parallel case with this. It is manifest that the Constitution of the United States secures to each State the right to have, or not have the institution of slavery—just as essentially so, as it does the right to regulate your own com-

mon-school system. We have no more right to make war upon the institution of slavery than upon any other local institution. The Constitution secures to each State the right of regulating its own domestic institutions; and it must necessarily protect slavery, as certainly as it protects your own common-school system. Our wisest men, the President of the United States, the heads of Departments, and Congress, having with united voice declared that, we have no constitutional power upon the subject, how are you to escape from the difficulty? This is a serious question. I was amused the other day by a speech, made by a distinguished gentleman in the other end of the Capitol, with a copy of which he favored me.

The SPEAKER. The Chair will say that the gentleman from Kentucky is not in order in referring to any gentleman in the other branch of Congress.

Mr. HARDING. I will not refer to the gentleman by name; but it becomes necessary for me to refer to his argument upon this subject. I call upon all gentlemen to pause and reflect upon this subject. It is strange that all the efforts to escape from the palpable provisions of the Constitution are of a similar character. That gentleman—of distinguished ability—went on to argue that Congress had the power to *confiscate the property* of rebels in the Southern States, which, I think, was sound. But having established that proposition to his own satisfaction, and made it clear, he said “it was equally clear that Congress had the power to *emancipate* the slaves of rebels, because it is as property that they (the rebels) profess to hold them.” Look at that argument. You who rely on it say that you have only the right to confiscate the *property* of rebels; but you say slaves *are not* property; therefore, according to your own logic, you cannot confiscate them.

But I say, the right to confiscate property or slaves does not involve the right to emancipate slaves, because emancipation and confiscation are two very distinct things—and that distinction seems to have pressed upon that gentleman’s mind throughout his whole argument. It evidently annoyed him, and seemed to start up at his back like a spectre, and would not down at his bidding. You do not propose to confiscate slaves at all, but you propose to emancipate them. That is not confiscation. To confiscate property is to seize and apply it to the public use. You do not propose to do that. You propose to destroy the title of the master, but not to confiscate or seize the property in aid of the public treasury. Under the idea of confiscation, would any man here for a moment advocate the policy of shooting and killing all the horses, cattle, and stock of rebels; burning up and consuming their barns and dwelling-houses, carrying desolation and ruin through the country, until the whole Southern land was blighted and blasted, as if smitten by the lightnings of heaven? No gentleman would defend such cruel and savage barbarity. You can confiscate slaves just as you confiscate horses, treating them as property, and converting them to public use. But I

deny that, you can emancipate slaves under the idea of confiscation, or that you can turn loose four or five millions of slaves upon the Southern people to annoy them, any more than you can kill and destroy other property, burn up and consume houses, and spread desolation over the whole land. How then can you emancipate slaves without a palpable violation of the Constitution and the oaths you have taken to support it?

The speech of my friend from Kansas, [Mr. CONWAY,] in some respects a very able one, presents a greater variety, suited to every political appetite, than any other speech I ever heard; and it reminded me of the vision of "the sheet knit together at the four corners, containing all manner of four-footed beasts of the earth, and wild beasts, and creeping things, and fowls of the air," so that a man could rise, slay, and eat venison, fowl, fish, anything his appetite might desire. I intend, therefore, to appropriate so much of it as answers my purpose in this discussion. How does the gentleman propose to escape the constitutional prohibitions on this subject? Let me read an extract or two from that speech. He says:

"But nothing which may be said or done will be sufficient for the emergency while the Government imposes upon itself the responsibilities of the Union with regard to the rebellious States. This principle must be repudiated; or it is obvious that we are tied hand and foot. Under our constitutional system the individual States are authorized to control their domestic institutions (including slavery) in their own way. This is the simple truth, and cannot be ignored or gainsayed. It is folly to look for emancipation by the nation in contravention of the system through which the nation lives and acts. The ministers of the Government are bound by the Constitution in the discharge of their duties. Any action of theirs transcending this limitation is revolutionary and criminal, and ground for impeachment and punishment. Men sworn to the performance of duty according to a certain formula are mere instruments, and rightfully possess no volition of their own."

I subscribe to all that. It is sound.

"As to giving freedom to five million slaves on the principle of a military necessity to suppress insurrection, it is an idle dream."

I agree to the dream also.

"Slavery cannot be abolished in a State by act of Congress. *The thing is impossible.*"

Very well; that is right. Now, as the gentleman says, he and all other men are tied hand and foot by the Constitution, and it is impossible to escape from it; and Congress has no power under the Constitution to emancipate slaves.

I supposed he was going to come out with some violent mode of breaking the bonds that bind him; but instead of that, he proposes to get out of it by a process that is perfectly gentle and harmless. How is that? Why he tells us that—

"The human mind has outgrown that superstitious reverence for Government of any kind which makes rebellion a crime *per se*."

That is his method of getting rid of the bonds of the Constitution. The Constitution must be repudiated, because the human mind has outgrown that superstitious reverence for Government of any kind! Sir, I would rather remain a dwarf all my life,

than have that wonderful development of outgrowing the Constitution of my country, and the oath taken to support it. If it be superstition to venerate this Constitution of the fathers, then I acknowledge myself most superstitious. I know of no higher crime, save that of rebellion against the government of Heaven, than to rebel against this Government of our fathers.

But the gentleman from Massachusetts, [Mr. ELIOT,] in these very resolutions, says in substance that "we disclaim all constitutional power to interfere with slavery." How then, I inquire, are we to emancipate slaves? Why he says—and it is about as strange as anything I have heard yet—that "*the recognised authority of the maxim that the safety of the State is the highest law, subordinates rights of property, and dominates over civil relations.*" Now, from this fearful subordination, from this monstrous domination, I pray that this Government may be delivered. Why, sir, is that the higher law? Where did that maxim come from? Who recognised the authority of that maxim which subordinates, and dominates over the Constitution, and over the oaths we have taken to support it? Who recognised the authority of this higher law? I know no higher law to control my duty as a Christian than the Bible. And I know of no higher law to control my action in governmental matters than the Constitution of my country; and a departure from the one is no more excusable than a departure from the other. The man who proposes to depart from a plain provision of the Constitution is, in a certain sense, a transgressor of the whole. We are told that he who violates one plain command of the moral law is a transgressor of the whole; so he who would violate one plain provision of the Constitution is, in the same sense, a transgressor against the whole. He shows his disloyalty to his Maker if he is willing to violate one provision of the Divine law, and demonstrates that he is making war against the government of Heaven; and so, if he violates the Constitution of our country willfully and knowingly, he is making war against this Government. This is higher law—a law higher than the Bible; higher than the Constitution; higher than the oath to support it. There is no proposition more monstrous than this; none fraught with greater evil. Why, sir, what is it but revolution to attempt to legislate with reference to any higher law than the Constitution of the country? What but rebellion against the Government of Heaven to attempt to regulate religion and morality by a higher law than the Bible? Where did this law come from? Why, sir, it made its appearance at the time the Mormon bible came up; it seemed to rise with it, as if then resurrected; but not so, it has been in the world a long time; and it is upon this principle of a higher law which *subordinates* government and "*dominates over civil relations,*" that fierce mobs have armed themselves and madly rushed on to bloodshed and riot, to the breaking open of prisons, and to the destruction of human life without evidence or trial. This is mob law. This is higher law! Why, sir, it was the spirit

of this same higher law that put forth its sacrilegious hand and plucked

“That forbidden fruit  
Whose mortal taste brought death into the world  
And all our woes.”

Sir, it was this higher-law spirit which “dominated” over France in that fearful reign of terror, and made her streets run with blood. It is the ravings of that impious spirit in the North which declares the Constitution, framed by our patriot ancestors, to be “a league with death and a covenant with hell.” It is the spirit that moved the abolition disunionists in the North to gather up and furnish the fuel, with which the fiery secessionists in the South have lighted up that fearful and burning conflagration, which is now consuming and desolating the whole land in its wild and spreading flame. It is the spirit determined “to rule or ruin”—its motto is, “better reign in hell than serve in Heaven.” It is this higher-law spirit that lately took possession of, the once calm and conservative John Cochrane, changing his whole character—making him as fierce and wild as the man who dwelt among the tombs, and could not be chained or confined—and causing him to cry out in wild fury: “*Plunge the whole Southern people, black and white, into a sea of indiscriminate carnage and blood!*” Sir, it is the spirit which “has hitherto worked, and now works, in the children of disobedience.”

But, sir, a war upon the institution of slavery would be, not only unconstitutional and revolutionary; not only a criminal violation of the plighted faith of Congress and of the Administration, but utterly at war with every principle of sound policy. Who ever lives to see that fearful and mad policy inaugurated, will see the sun of American liberty go down in clouds and darkness to rise no more. The last hope of a restoration of the Union—the last hope of free government upon this continent—will then sink and utterly perish. It would seem to be a question of no great difficulty, to decide what is sound policy, in the conduct of the present war. *The object and end* of the war, clearly perceived, would indicate, at once, the policy that ought to govern it. This is *not* a war between two foreign nations, wholly separated from each other, bound together by no ancestral ties, and living under Governments wholly antagonistic to each other. If it was such a war, then the policy, now so strangely urged by some gentlemen, might be heard with some favor; then quotations from Vattel would be in point; for the object and end of such a war would be, on our part, simply to subdue, *conquer*, and *drive off* our enemy, without any regard to the deep hate and intense bitterness of feeling that might be engendered in the conflict. In such a war it might be sound policy (if humanity did not forbid it) to incite servile insurrection—burn up, confiscate, waste, and destroy property, and press upon our enemy with all the destructive fury of fire and sword. But he who regards the present war in that light is not prepared, and should never be trusted for a moment, to dictate its policy.



This war has grown out of a rebellion of part of the same people against the authority of their own Government. The great mass of the rebels have been deceived, seduced from their allegiance, and led blindly on to their present hostile position, by a few master spirits, arch-traitors, lost to every patriotic emotion, but men of great intellectual power and control over others. These people, loyal and disloyal, were all bound together by the ties of kindred blood, by a common country, language, and history, and by the hallowed memories of a glorious struggle by a common ancestry, resulting in the establishment of a common free Government—a Government which the rebels themselves believed was the best the world ever saw. But they were taught by their wily leaders that a dominant party was about to turn the whole power of that Government against them and their institutions, to crush and destroy them; and thus they were led into rebellion against the Government they had loved. So that the sad spectacle is now presented, in the opposing armies, of neighbor arrayed against neighbor, father against son, and brother against brother, preparing to shed each other's blood.

Now, with every good man, every friend of his country, and with every true patriot, the object and end of the war *is not to destroy, conquer, and drive off*; but, with the least possible destruction of property and life, to maintain and establish the authority of the Government, and subdue, *reclaim*, and *bring back* to their allegiance the misguided rebels; and thus bring together and harmonize the great family of States in the bonds of Union and common brotherhood, under the glorious old national banner. If any man supposes this great and good result can be reached, by the destruction and confiscation of property, by making war upon slavery in the South, by inciting the slaves to insurrection and rebellion, and by a species of warfare so cruel and savage as that of arming or encouraging the slaves to make war upon their masters and upon innocent women and children, he is sadly mistaken; he has much yet to learn of human nature. Such a war of aggression upon the constitutional rights of the seceding States, would extinguish the last feeling of loyalty, unite them as one man, exasperate and drive them to a state of desperation, and forever lock, bolt, and bar the door of reconciliation. This mad policy would, at the same time, as certainly divide and destroy the power of the great Union forces who are now battling for the preservation of the Government. All over the Northern and Western non-slaveholding States, vast numbers of loyal and true men would abandon such a war, or make war upon it. Brave officers, and thousands of their troops, now in the Union army, would at once disband and lay down their arms; or band together and turn their arms against those who were prosecuting such a war. And the true and loyal men in the border States of Missouri, Kentucky, and Maryland, after forsaking houses and lands, and their secession neighbors, and brothers and fathers and sons—after “suffering so much for the Union,” could hardly be expected, to join in a war upon

their own domestic institutions and upon the Constitution of their country. What was it, in the revolutionary struggle of our fathers with England, that now constitutes the bitter and burning memory of that period, transmitted from father to son, and never to be forgotten? What the unpardonable sin of England? What but that savage cruelty which armed with scalping-knife and tomahawk the wild Indians, and turned them loose to murder and destroy aged men and helpless women and children. And what patriot heart does not burn with indignation, at the bare thought of that far more savage barbarism, that would ally itself to the slaves in a servile war upon their masters?

Such a policy would, moreover, be the greatest possible cruelty to the slaves themselves; for it would certainly result in the destruction and slaughter of a large portion of them. After all that has been said on slavery by *professed philanthropists*, still, in the present state of society, it remains true that, the abolitionist is the worst enemy of the slave, and the humane master his truest and best friend.

The ultra abolitionists, whether they know it or not, have been and now are giving the most successful aid to the disunionists of the South, and making the most successful war upon the Union. The great and prevailing argument of the leading disunionist, in the South and in the border States, has been, and still is, that the North, in violation of the Constitution, intended, and was about to turn the struggle into a war for emancipation, and thus "plunge the whole population, white and black," into a remorseless and bloody struggle. By this argument alone, he has succeeded in seducing and drawing into the rebellion thousands of misguided men. Without it, he would have been powerless; and this argument has been furnished and put into his mouth by the northern abolitionists. This has been the great question of debate that loyal men have met and battled against a thousand times all over Kentucky.

But after the passage of the Crittenden resolutions in July last—after the President and his Cabinet had taken strong conservative ground—after every Department of the Government stood out, openly committed and pledged to the whole country, to prosecute the war for the *single purpose* of sustaining the Union and preserving the Government with the rights of every State unimpaired—then it was, that the Union men in Kentucky felt themselves furnished with an *unanswerable* argument, and from a *responsible* source. Thus armed and strengthened, the Union men renewed the conflict. What was the result? Kentucky is soon "*unchangeably ranged on the side of the Union*"—she votes men and money to carry on the war, and though before then "she had refused to furnish a single regiment," now, more than twenty-five thousand of her brave and loyal sons rally at once under the stars and stripes. In view of all this, is it not monstrous that on the very first day of our session, men should rise here, and by their ill-timed and radical measures revive the old argument of "*a war of emancipation*," thus putting it afresh into the mouths of seces-

sion leaders, crippling and disarming the Union men, and scattering firebrands through the Union camps? Sir, when Kentuckians, for the love they bear to the Union, are called to array themselves against their misguided kindred, brothers and fathers; when they are passing through this fiery ordeal; when they are contending for every inch of ground, with a martyr firmness and patriotic devotion not surpassed at Bunker Hill or Yorktown, would it not tax past endurance even the patience of Job, for these men in the North, who are subjected to none of these trials, to be continually furnishing the arguments and the means to annoy them and destroy their efforts?

Sir, the salvation of this great country requires that conservative men of every political faith should unite, and band themselves together, to crush rebellion in the South, and subdue and put down abolition disunionism in the North. Both are unitedly warring against the Government of our country. And I believe conservative men will do it. Though I was pained and oppressed with gloomy forebodings at first, yet I am now satisfied that, with a large majority of this House, these radical measures will meet with no favor whatever. They cannot receive the sanction of this House. But if, in this reasonable expectation I should be disappointed, I have still *one* hope left. I believe in the honesty and firmness of the President. I believe he is himself "*unchangeably ranged on the side of the Union.*" And if these measures should struggle through this House, he would arrest them by a prompt exercise of the veto power, and hold up the sinking cause of the Union. But if this *last hope* should perish, what then will become of the border States; what will they do? I think I can safely answer for Kentucky. If the war, righteously begun for the preservation of the Constitution and the Union, should be changed to an anti-slavery war, then Kentucky will unitedly make war upon that war. And if an army from the North should move toward Kentucky, to visit upon her the horrors of a war for emancipation, then Kentucky will meet that army at the threshold, dispute every inch of ground, burn every blade of grass, and resist to the last extremity.

Should it be said, Kentucky will soon be ready for disunion, if that is her temper; I reply, that so long as Kentucky shall remember the warning voice of Henry Clay, she shall answer, "*Never, never, never!*" And if *that voice* should be forgotten, still the united voices of her venerable living patriots—her CRITTENDENS, her WICKLIFFES, her Holts, and her Davises, would ring out over all her hills and valleys, "*Never, never!*" And when these patriots pass away, hosts of younger men, led on by their example, will still say, "*Never!*" No, no; the great mass of Kentuckians will be true to the memories of the past. They will not pronounce this free Government "*a failure,*" and throw it off as a worn and worthless garment. They will struggle for their rights in the Union, and under the Constitution, as best they can, and as long as they can.

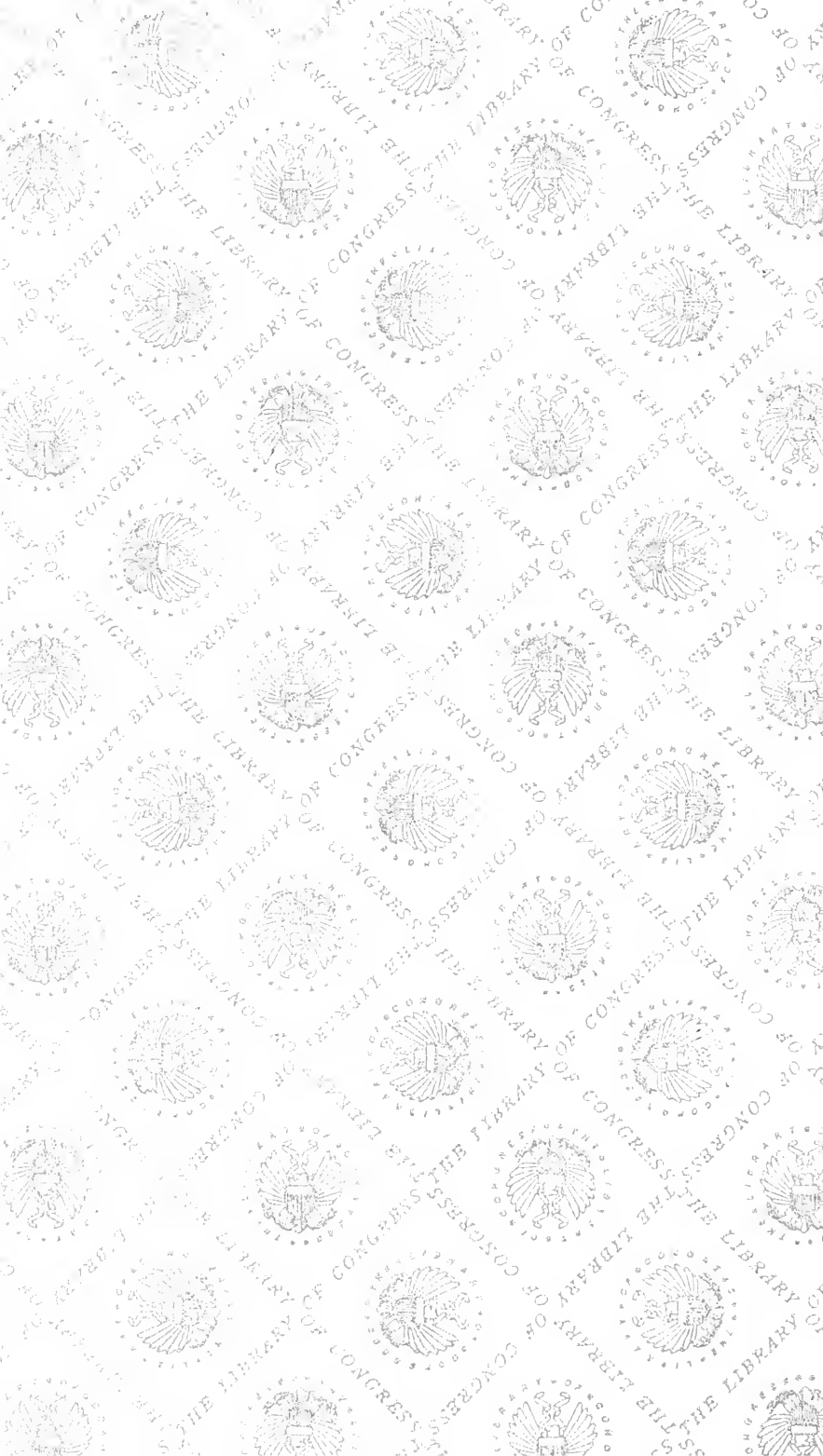
An emancipation movement against the rebel States can find

no shadow of justification from the plea of *necessity*, sometimes urged by northern men. The great Union party have a just cause, four times the number of fighting men, and nearly all the money; and it is strange that northern men should make this plea, lest it should be construed as an indorsement of that idle gasconade of the South, which represents one southern man as being a full match for four or five northern men, on the field of battle. Such a movement against the South finds still less justification *as a measure of retaliation*. It is scarcely ever good policy, and *never* sound morality, to resort to the law of retaliation. Sir, if a man traduces me, I cannot afford to slander him in return. If he burns my barn, I cannot become a felon, and burn his house. In the present war, we have a just and righteous cause, and can well afford, to confine ourselves to just and righteous means for ~~as~~ prosecution. We cannot follow the example of the rebels, unless we would become rebels ourselves. Shall we destroy and confiscate property because they do? Make allies of slaves, because they make allies of Indians? And shall we violate *one* provision of the Constitution, because they have trampled under foot the whole instrument? "Thou that judgest another, and doest the same thing, how shalt thou escape the judgment?"

Sir, the Union cause, in the border States, has already lost more strength by the agitation of this question in Congress, at this session, than was lost by the defeat of our arms at Bull Run. Gentlemen should take care, lest in their great zeal to strike off the bonds of the slave, they should be preparing chains and slavery for themselves and posterity.

Sir, the fearful responsibility, the deep guilt and crime, of plunging this great country into all the horrors of civil war and bloodshed, does not rest alone upon the leading secessionists of the South; a full share of that criminal guilt is justly chargeable to the leading disunion abolitionists of the North. If this Government shall outride the angry storm now threatening its destruction, and the fearful day of just retribution shall come, may it not be justly said to these leading spirits from the North and the South: You have been co-workers in the attempt to destroy the Government of your country. You of the North sought to dissolve the Union of these States, *professedly* to destroy slavery. You of the South sought to dissolve it, *professedly* to protect slavery. You were both disunionists—all rebels against the Government. As State after State plunged into the gulf of disunion, your shouts of triumph from the North, rose up and met the pæans of joy from the South. You have smitten a great country with desolation and waste. You have crimsoned fields with kindred blood. You have filled the whole land with weeping widows and orphans. In guilt and crime you have been banded together, like Siamese twins, through life, and you ought not to be separated in death. It is but just that you should expiate your enormous crime together, on the same scaffold, and together be buried in the same traitors' grave.







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